

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALBERT GARCIA,

Defendant.

CR 18-64-BLG-DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on November 20, 2018. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommended this Court accept Albert Garcia’s guilty plea

after Garcia appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to possession with intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1) as charged in Count I of the Indictment.

I find no clear error in Judge Cavan's Findings and Recommendation (Doc. 29), and I adopt them in full.

Accordingly, IT IS ORDERED that Albert Garcia's motion to change plea (Doc. 21) is GRANTED and Albert Garcia is adjudged guilty as charged in Count I of the Indictment.

DATED this 10th day of December, 2018.



Dana L. Christensen, Chief District Judge
United States District Court